

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

EDWARD J. SMITH,

Plaintiff,

vs.

**NEBRASKA WAREHOUSES
COMPANY,**

Defendant.

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8:05CV81

ORDER

This matter is before the court on defendant's MOTION FOR ATTORNEY'S FEES AND COSTS (#38). No response has been filed.

On March 13, 2006, defendant was awarded costs and fees at the time the court granted defendant's motion to compel discovery. The pending motion shows that counsel expended 4.20 hours in attorney time and incurred \$59.50 in paralegal fees in attempting to obtain discovery from the plaintiff. The court finds that counsel spent a reasonable amount of time with respect to this matter, and that counsel's \$270.00 hourly rate reflects a fair and reasonable charge for professional legal services by lawyers of like qualifications regularly employed to perform like services in this district.

IT THEREFORE IS ORDERED that defendant's MOTION FOR ATTORNEY'S FEES AND COSTS (#38) is granted in the amount of \$1,193.50, said amount to be paid or offset at the time of final judgment.

DATED April 18, 2006.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**